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**Draft River Tyne (Tunnels) (Modification) Order 2022**

**EXPLANATORY MEMORANDUM**

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**Introduction**

1. This Explanatory Memorandum is designed to explain the purpose and effect of the provisions of the Draft River Tyne (Tunnels) (Modification) Order 2021 (“the Draft Order”), in accordance with rule 10(2)(b) of the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006<sup>1</sup>.

**Summary**

2. The River Tyne (Tunnels) Order 2005<sup>2</sup> (“the 2005 Order”) was made under the Transport and Works Act 1992<sup>3</sup> and the Tyne Tunnels Act 1998<sup>4</sup> to permit the construction of, and regulate the maintenance and operation of, tunnels for motor vehicles, cycles and pedestrians underneath the River Tyne.
3. The Draft Order amends the 2005 Order to make consequential amendments reflecting a change in the handling of toll payments, payments are no longer accepted at toll barriers (which have been removed) but collected either by way of electronic payment or by cash at a PayPoint retailer.
4. This change in toll collection was introduced to allow a free-flow traffic system through the Tyne Tunnels to facilitate reduced journey times through the tunnels, known as the Tyne Pass Scheme.
5. The change in toll collection has been effected through changes to the byelaws made under the 2005 Order. However, there are a number of references in the 2005 Order that reflect the original expectation that tolls would be collected at booths, and this Draft Order makes consequential amendments of the 2005 Order to reflect the byelaw changes, including the restructure of the scheme for exemption from tolls for disabled persons so as to determine exempt status by reference to a system of registration of vehicles by disabled persons. It also introduces a toll exemption for coastguard vehicles.

**Article 1**

6. Article 1 of the Draft Order gives its title, and provides for it to come into force [ ].

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<sup>1</sup> S.I. 2006/1466.

<sup>2</sup> S.I. 2005/2222.

<sup>3</sup> 1992 c.42.

<sup>4</sup> 1998 c.i.

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2022 Explanatory Memorandum*

**Article 2**

7. Article 2 of the Draft Order amends the 2005 Order.
  8. Paragraph (1) introduces the amendments.
  9. Paragraph (2)(a), (b), (c), (d), (e), (f) and (h) reflect the fact that the revised byelaws consolidate references to persons carrying out functions in respect of the tunnels so as to refer simply to “tunnel staff”, and clarify that byelaws can confer functions on the undertaker and its officials by reference to “tunnel staff”.
  10. Paragraph (2)(g) replaces the provision of the 2005 Order which deals with the power of byelaws to make provision about the designation of places for toll payment and related matters. To reflect the new free-flow traffic which involves the absence of toll-booths, the replacement provision omits references to toll-booths and replaces them with more flexible references to byelaws dealing with methods and timing of payment of tolls (including an express reference to the possibility of pre-payment at discounted rates).
  11. Paragraph (3)(a) provides an express reference to discounts for pre-payment of tolls.
  12. Paragraph (3)(b) changes the provisions of the 2005 Order relating to exemptions from tolls. Article 42(10) of the 2005 Order provides a list of statutory exemptions from tolls, including, at paragraph (e), “a vehicle being driven by a disabled person, or being used for the carriage of one or more disabled persons, which displays a current disabled person’s badge”. With free-flow traffic it is impracticable to examine badges on display in a vehicle. Free-flow will permit automatic number-plate recognition technology. Paragraph (3)(b) amends Article 42(10) to provide for exemption to be provided through a scheme allowing disabled persons to register vehicles for exemption. Exempt vehicles will be recognised by the automatic number-plate recognition technology, and no charges will be applied to those vehicles.
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